Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)
	)
Applications for Consent to the Transfer of Control of	)
Licenses	) MB Docket No. 07-57
	)
XM Satellite Radio Holdings, Inc., Transferor	)
	)
to	)
	)
Sirius Satellite Radio, Inc., Transferee	)

To: The Commission

REPLY OF THE MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL TO OPPOSITION OF RSS NETWORK CORP. TO PETITION FOR RECONSIDERATION

The Minority Media and Telecommunications Council ("MMTC"), pursuant to Section

1.106(h) of the Commission's Rules,[1] respectfully submits its reply to RSS Network Corp.'s

("RSS") December 1, 2010 Opposition.[2]

RSS opposes MMTC's request for the Commission to instruct Sirius-XM to afford

special consideration to entities that promote diversity on the grounds that RSS believes MMTC

"offers no inkling of what it means by 'special consideration.'" This is incorrect. MMTC

requested that qualified entities include:

> …three race neutral (but not racially dilute) classifications: Historically Black Colleges
> and Universities (HBCUs), Hispanic Serving Institutions (HSIs), Asian American

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[1] 47 C.F.R. §1.106.

[2] Opposition of RSS Network Corp. to Petition to Deny (filed December 1, 2010) ("RSS Opposition") at 1. RSS was not entitled to service of the Petition since the Notice seeking comments was issued pursuant to the permit-but-disclose rulemaking procedures, although technically this remains an adjudication and the docket number is the Sirius XM merger docket. See Public Notice, MB 07-57, DA 09-529 (February 27, 2009) at ¶6. The only party entitled to service was the remaining party to the adjudication – Sirius XM. MMTC, which participated in the proceedings below, has standing, having clearly established its interest under the standard established in Office of Communication of the United Church of Christ v. FCC, 359 F.2d 994 (D.C. Cir. 1966).

Serving Institutions (AASIs), and Native American Serving Institutions (NASIs), which are based on mission, not race; multilingual programmers, a classification based on language, not race; and tribal entities, a classification based on treaty relationships, not race.[3]

MMTC's petition requested that the Commission issue a supplemental ruling amending the qualified entity definition in the Sirius XM merger, and explained the means and criteria of doing so. RSS is also incorrect in suggesting that MMTC advocated giving more consideration to an entity that meets more than one of the aforementioned categories. Further, MMTC documented why these categories are race neutral.[4]

RSS' Opposition and its confusion regarding the issues illustrates the desirability of Commission clarification. The Commission's current definition of qualified entity is at odds with the Commission's aim to help diverse new entrants. As written, the definition punishes diverse entities that have earned partial success in the satellite programming market, and it overlooked three well-established and entirely race-neutral means of advancing diversity. Thus, a supplemental order is needed to ensure that the Commission's intent and the Order's intent coincide.

Respectfully submitted,

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December 13, 2010

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[3] MMTC Petition at 7.

[4] Id. at 5-7.

CERTIFICATE OF SERVICE

I, David Honig, President and Executive Director of the Minority Media and

Telecommunications Council, do hereby certify this 13th day of December 2010 that a copy of

the foregoing "Reply of the Minority Media and Telecommunications Council to the Opposition

of RSS Network Corp." has been served by electronic mail and U.S. mail to:

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